

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AIMEE LYNN O'NEIL,

Plaintiff,

V.

NOVELIS,

Defendant.

Case No.: 2:20-cv-00883-KJD-NJK

REPORT AND RECOMMENDATION

Plaintiff brings this case *pro se* and is seeking to proceed *in forma pauperis*. District courts screen complaints brought by plaintiffs seeking to proceed *in forma pauperis*. 28 U.S.C. § 1915(e). A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

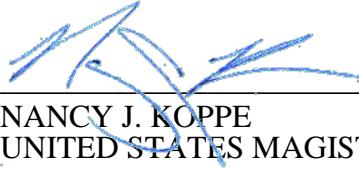
Plaintiff has sued Novelis, alleging primarily that it has been surveilling, intimidating, and harassing her electronically or otherwise. *See, e.g.*, Docket No. 1-1 at 6-10.¹ Although the complaint identifies various alleged conduct, it contends that Defendant caused people working

¹ As Plaintiff is proceeding *pro se*, the Court construes her arguments liberally. *See, e.g., Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

1 on its behalf to, *inter alia*, illegally wiretap her phone, implant an RFID chip in her neck, sexually
2 harass her in Colorado, and surveil her activities since 2004. *See, e.g., id.* at 10-11, 13-17, 18-19.
3 Plaintiff seeks relief in the amount of \$25 million. *Id.* at 4.

4 In light of the frivolous and delusional nature of Plaintiff's claims, the undersigned
5 **RECOMMENDS** that Plaintiff's complaint be **DISMISSED** with prejudice.

6 Dated: May 28, 2020.

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9 NANCY J. KOPPE
10 UNITED STATES MAGISTRATE JUDGE

11 **NOTICE**

12 This report and recommendation is submitted to the United States District Judge assigned
13 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
14 recommendation must file a written objection supported by points and authorities within fourteen
15 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
16 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
17 F.2d 1153, 1157 (9th Cir. 1991).

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